

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DOMINION CITRUS LIMITED, et al.	:	
	:	
Plaintiff,	:	C.A No. 07-00050 (JJF)
	:	
v.	:	
	:	
MV BADRINATH, et al.	:	
	:	
Defendant.	:	

**RULE 16 SCHEDULING ORDER**

The parties having satisfied their obligations under Fed. R. Civ. P. 26 (f),

IT IS ORDERED that:

**1. Pre-Discovery Disclosures.** The parties will exchange by September 1, 2007 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

**2. Joinder of other Parties.** All motions to join other parties shall be filed on or before September 30, 2007.

**3. Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by November 15, 2007.

(b) Maximum of 50 interrogatories by each party to any other party.

(c) Maximum of 50 requests for admission by each party to any other party.

(d) Maximum of 35 depositions by plaintiffs and 35 by defendants. Some discovery, including depositions and exchanging of documents has already been conducted. Additional depositions shall not commence until the discovery required by Paragraph 3 (a, b and c) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the Party with the burden of proof on an issue by June 13, 2008 and by the responding party by July 11, 2008.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

#### **4. Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov) that the parties have completed

briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on, the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

**5. Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before November 15, 2007.

**6. Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before August 15, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

**7. Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall, be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other

than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter

requiring the assistance of the Court shall e-mail Chambers at:

jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

**8. Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

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DATE

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THE HONORABLE JOSEPH J. FARNAN, JR.  
UNITED STATES DISTRICT JUDGE



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July 31, 2007

VIA HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 King Street  
Lock Box 27  
Wilmington, DE 19801

**Re: Dominion Citrus Limited, et al. v. MV Badrinath, et al.**  
**D. Del. C.A. No. 07-00050 (JJF)**

Dear Judge Farnan:

This firm is counsel for Defendants Seatrade Reefer Chartering NV, Seatrade Group NV, and Seatrade USA, Inc. in the above-referenced matter. In accordance with Fed. R. Civ. P. 26(f) and the Court's letter of July 16, 2007 we are herewith providing to the Court, on behalf of all parties, a copy of a Proposed Pre-trial Scheduling Order. The original is being electronically filed on this date.

The parties believe and are in agreement that the discovery period proposed in the attached Scheduling Order will be needed in this maritime case because many of the necessary documents and/or witnesses



Fox Rothschild <sup>LLP</sup>  
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are located outside of the United States. Additionally, many of the witnesses are seamen who are difficult to locate and are often unavailable for substantial periods of time.

Respectfully submitted,

Sharon Oras Morgan

SOM:cye

Enclosure

cc: Lee Goldstein, Esquire (w/encl.)  
Stephen J. Galati, Esquire (w/encl.)  
Frank DeGiulio, Esquire (w/encl.)  
Robert Degen, Esquire (w/encl.)  
Clerk, US District Court for the District of Delaware (w/encl.)